

House Amendment 1403

PAG LIN

1 1 Amend House File 854 as follows:
1 2 #1. Page 8, lines 28 and 29, by striking the words
1 3 ~~<attached to the policy when>~~ and inserting the
1 4 following: ~~<attached to the policy when~~ issued or
1 5 shall be.
1 6 #2. Page 17, by striking lines 8 through 27 and
1 7 inserting the following: ~~<the administrator may by~~
1 8 rule require financial responsibility standards.>
1 9 #3. By striking page 36, line 22 through page 37,
1 10 line 1, and inserting the following:
1 11 ~~<Sec. ____.~~ NEW SECTION. 522B.17A INJUNCTIVE
1 12 RELIEF.
1 13 1. An association with at least twenty-five
1 14 insurance producer members may bring an action in
1 15 district court to enjoin a person from selling,
1 16 soliciting, or negotiating insurance in violation of
1 17 section 522B.2. However, before bringing an action in
1 18 district court to enjoin a person pursuant to this
1 19 section, an association shall file a complaint with
1 20 the insurance division alleging that the person is
1 21 selling, soliciting, or negotiating insurance in
1 22 violation of section 522B.2.
1 23 2. If the division makes a determination to
1 24 proceed administratively against the person for a
1 25 violation of section 522B.2, the complainant shall not
1 26 bring an action in district court against the person
1 27 pursuant to this section based upon the allegations
1 28 contained in the complaint filed with the division.
1 29 3. If the division does not make a determination
1 30 to proceed administratively against the person for a
1 31 violation of section 522B.2, the division shall issue,
1 32 on or before ninety days from the date of filing of
1 33 the complaint, a release to the complainant that
1 34 permits the complainant to bring an action in district
1 35 court pursuant to this section.
1 36 4. The filing of a complaint with the division
1 37 pursuant to this section tolls the statute of
1 38 limitations pursuant to section 614.1 as to the
1 39 alleged violation for a period of one hundred twenty
1 40 days from the date of filing the complaint.
1 41 5. Any action brought in district court by a
1 42 complainant against a person pursuant to this section,
1 43 based upon the allegations contained in the complaint
1 44 filed with the division, shall be brought within one
1 45 year after the ninety-day period following the filing
1 46 of the complaint with the division, or the date of the
1 47 issuance of a release by the division, whichever is
1 48 earlier.
1 49 6. If the court finds that the person is in
1 50 violation of section 522B.2 and enjoins the person
2 1 from selling, soliciting, or negotiating insurance in
2 2 violation of that section, the court's findings of
2 3 fact and law, and the judgment and decree, when final,
2 4 shall be admissible in any proceeding initiated
2 5 pursuant to section 522B.17 by the commissioner
2 6 against the person enjoined and the person enjoined
2 7 shall be precluded from contesting in that proceeding
2 8 the court's determination that the person sold,
2 9 solicited, or negotiated insurance in violation of
2 10 section 522B.2.>
2 11 #4. By renumbering as necessary.
2 12
2 13
2 14
2 15 HOFFMAN of Crawford
2 16 HF 854.201 81
2 17 av/sh/1985